



DIMOCK STRATTON CLARIZIO LLP
Barristers and Solicitors Patent and Trade-Mark Agents

FAX

DATE: August 01, 2002

TO: NAME & FIRM	PHONE #	FAX #
Mamie Person Commissioner of Patents & Trademarks	1 (703) 305-3737	1 (703) 305-3230

FROM: **Mark B. Eisen**

RE: **US Patent Application 09/646,733**

OUR FILE: **645-10/mbe**

TOTAL PAGES SENT (including this page): **13**

Confirmation of facsimile to follow: Yes No, unless requested

If you do not receive all the pages of this facsimile clearly,
please call Rosaleen Taverniti at (416) 971-7202 ext. 295

NOTES:

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If you have received this in error, please notify the sender.



DIMOCK STRATTON CLARIZIO LLP
Barristers and Solicitors Patent and Trade-Mark Agents

MARK B. EISEN
Ext. 242
meisen@dimock.com

*Certified by the Law Society as a Specialist
in Intellectual Property (Patent) Law*

SENT BY FACSIMILE: 1 (703) 305-3230

August 1, 2002

United States Patent and Trademark Office
Arlington Virginia, 22202
U.S.A.

Attention: Mamie Person

Dear Ms. Person:

Re: United States Patent Application No. 09/646,733
Title: WATER SANITIZING SYSTEM
Applicant: LUSCOMBE, John Stanbury
Our File: 645-10/MBE

Further to our telephone conversation on July 25, 2002, according to our records the basic filing fee and extension fee filed on January 11, 2002 have not been charged to our deposit account.

The sequence of events in this application is as follows:

1. A request to enter the national phase in the United States was filed on September 21, 2000. The request was filed with an unsigned Declaration/Power of Attorney.
2. When we failed to receive a filing receipt, we telephoned the PCT Office and spoke to a Mr. Jim Liseori on June 28, 2001, who indicated that the file could not be located.
3. The Applicant filed a status request by facsimile on September 15, 2001.
4. A Notification of Missing Requirements under 35 USC 371 dated September 13, 2001 was received by the undersigned on September 21, 2001. This form indicated that the US basic national fee had been received. The form required only the submission of a signed Declaration and a surcharge for late-filing of the declaration.
5. The Applicant filed the signed Declaration and paid the surcharge for a small entity on November 13, 2001.

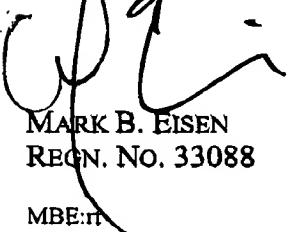
- 2 -

6. A Notification of Abandonment dated December 10, 2001 was received on December 20, 2001. The Notification of Abandonment indicated that the Applicant had failed to provide the full US basic national fee by 30 months.
7. The Applicant filed a response to the Notification of Abandonment by facsimile on January 11, 2002, which response included a copy of the Notification of Missing Requirements, a Petition for a two-month extension of time (in duplicate) and authorization to charge the basic US filing fee to Deposit Account No. 500663. This response was accompanied by a certificate of facsimile transmission, duly signed on January 11, 2002. A copy of this response and all enclosures, as well as a copy of the facsimile cover page and the facsimile confirmation sheet showing successful receipt by the PTO of 9 pages on January 11, 2002, are attached to this letter.
8. After several months passed and the Applicant still had not received a filing receipt, the undersigned contacted you by telephone, at which time we were informed that the basic filing fee and extension fee were not of record in the PTO.

This letter will establish the Applicant's timely response to the Notification of Missing Requirements. The Applicant respectfully submits that the basic filing was paid by the authorization to charge same to our deposit account. Accordingly, we look forward to receiving your confirmation that this application is in good standing and has been placed in turn for examination.

If you have any questions or require any further information in connection with the above, please do not hesitate to contact the undersigned.

Yours very truly,
DIMOCK STRATTON CLARIZIO LLP


MARK B. EISEN
REGN. NO. 33088

MBE:rr
Encl.

CONFIRMATION REPORT - MEMORY SEND

Time : JAN-11-02 15:58
 Fax number: 4169716638
 Name : DIMOCK STRATTON CLARIZIO

Job : 891
 Date : JAN-11 15:51
 To : *223*06450010*17033053230
 Doc. pages : 09
 Start time : JAN-11 15:55
 End time : JAN-11 15:58
 Pages sent : 09
 Job:891

*** SEND SUCCESSFUL ***

ENTERED 11/11/2002
J



DIMOCK STRATTON CLARIZIO LLP
 Barristers and Solicitors Patent and Trade-Mark Agents

F A X

DATE: January 11, 2002

TO:	PHONE #	FAX #
Meemie Person Commissioner of Patents and Trademarks	1-703-305-3737	1-703-305-3230

FROM: Mark B. Eisen
 Our File #: 646-10/MBE

TOTAL PAGES SENT (INCLUDING THIS PAGE): 7

CONFIRMATION OF FACSIMILE TO FOLLOW:

NO UNLESS REQUESTED
 VIA MAIL
 VIA COURIER

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COMMENTS:

Re: U.S. Patent Application No. 09/646,733

Documents Enclosed: Response (in duplicate) to Notice of Abandonment dated Dec. 10/01 and Notice to File Missing Parts of Application dated Sept. 13/01, Petition for 3 month extension of time (in duplicate); copy of Notice of Abandonment dated Dec. 10/01, and copy of Notice to File Missing Parts of Application dated Sept. 13/01

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 TELEPHONE (416) 971-7202 FAX (416) 971-6638

20 Queen Street West, Suite 3202, Box 102, Toronto, Ontario Canada M5H 3B3



DIMOCK STRATTON CLARIZIO LLP
Barristers and Solicitors Patent and Trade-Mark Agents

F A X

DATE: January 11, 2002

TO:	PHONE #	FAX #
Mamie Person Commissioner of Patents and Trademarks	1-703-305-3737	1-703-305-3230

FROM: Mark B. Eisen

Our File #: **645-10/MBE**

TOTAL PAGES SENT (INCLUDING THIS PAGE): 7

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 VIA MAIL
 VIA COURIER

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COMMENTS:

Re: U.S. Patent Application No. 09/646,733

Documents Enclosed: Response (in duplicate) to Notice of Abandonment dated Dec. 10/01 and Notice to File Missing Parts of Application dated Sept. 13/01, Petition for 2 month extension of time (in duplicate); copy of Notice of Abandonment dated Dec. 10/01, and copy of Notice to File Missing Parts of Application dated Sept. 13/01

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TELEPHONE (416) 971-7202

FAX (416) 971-6638

20 Queen Street West, Suite 3202, Box 102, Toronto, Ontario Canada M5H 3R3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

To: The Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Serial No.: 09/646,733

Title: WATER SANITIZING SYSTEM

Applicant: LUSCOMBE, John Stanbury

Filing Date: March 19, 1999

Our File: 645-10/MBE

COPY

PETITION FOR EXTENSION OF TIME

Dear Sir:

The applicant requests that the time for taking action in this case be extended pursuant to 37 CFR §1.135(a) for:

one month
 two months

three months
 four months

The fee set in 37 CFR §1.17 for the extension of time is \$200.00.

(X) Fee of \$200.00 is to be charged to our Deposit Account No. 500663. A duplicate of this paper is enclosed.

(X) The Commissioner is authorized to charge any deficiency or credit any overpayment in the above fees to our Deposit Account No. 500663. A duplicate of this paper is enclosed if required for this purpose.

(X) Applicant is a small entity entitled to pay reduced fees in this application.

Also enclosed is a:

Response Notice of Appeal Appeal Brief

(X) Other: Response to Notice of Abandonment dated December 10, 2001 and Notice to File Missing Parts of Application dated September 13, 2001

JOHN STANBURY LUSCOMBE

by

Mark B. Eisen
Reg. No. 33088

Date: January 11, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document and the documents indicated as enclosed herewith are being sent by facsimile transmission to the United States Patent and Trademark Office on the date set forth below.

January 11, 2002

Date


Mark B. Eisen
Registration No. 33088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: LUSCOMBE, John Stanbury

For: WATER SANITIZING SYSTEM

Serial No.: 09/646,733

Filing Date: March 19, 1999

Our Reference: 645-10/MBE

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Dear Sir:

This is further to the Notice of Abandonment dated December 10, 2001 (copy enclosed) advising that this application is held to be abandoned pursuant to 37 CFR 1.495(b)(2) due to failure to provide the full U.S. Basic National Fee by 30 months.

Applicant submits that the Notice to File Missing Parts of Application dated September 13, 2001 (copy enclosed) indicated that the U.S. Basic National fee was paid. Applicant therefore filed on November 13, 2001, in response to the Notice to File Missing Parts, the outstanding signed Declaration/Power of Attorney and payment of the late surcharge fee.

In recent discussions with the Patent Office it has been determined that the U.S. Basic National Fee is outstanding. We therefore attach our Petition for a two-month extension of time under 37

Application No. 09/646,733

- 2 -

January 11, 2002

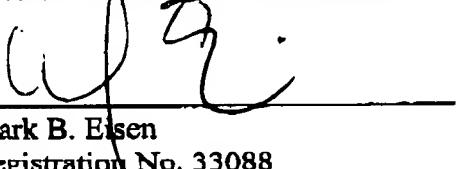
CFR 1.136(a) and hereby authorize the Commissioner to charge our Deposit Account No. 500663 in the amount of \$485.00 in payment of the U.S. Basic National Fee for a small entity. A signed duplicate of this letter is enclosed for this purpose.

The Commissioner is authorized to charge any deficiency or credit any overpayment in the above fees to our Deposit Account No. 500663. A duplicate of this paper is enclosed if required for this purpose.

We look forward to receiving confirmation that this application is now in good standing.

Executed at Toronto, Ontario, Canada, on January 11, 2002.

JOHN STANBURY LUSCOMBE



Mark B. Eisen

Registration No. 33088

MBE:if
Encls. Petition for Extension of Time (in duplicate)
copy of Notice of Abandonment
copy of Notice to File Missing Parts

uspto020111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this document and the documents indicated as enclosed herewith are being sent by facsimile transmission to the United States Patent and Trademark Office on the date set forth below.

January 11, 2002

Date

Mark B. Eisen
Registration No. 33088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **LUSCOMBE, John Stanbury**

For: **WATER SANITIZING SYSTEM**

Serial No.: **09/646,733**

Filing Date: **March 19, 1999**

Our Reference: **645-10/MBE**

COPY

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

Dear Sir:

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Executed at Toronto, Ontario, Canada, on January 11, 2002.

JOHN STANBURY LUSCOMBE



Mark B. Eisen
Registration No. 33088

MBE:lf
Encls. Petition for Extension of Time (in duplicate)
copy of Notice of Abandonment
copy of Notice to File Missing Parts

uspto020111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

To: The Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Serial No.: 09/646,733

Title: WATER SANITIZING SYSTEM

Applicant: LUSCOMBE, John Stanbury

Filing Date: March 19, 1999

Out File: 645-10/MBE

PETITION FOR EXTENSION OF TIME

Dear Sir:

The applicant requests that the time for taking action in this case be extended pursuant to 37 CFR §1.135(a) for:

() one month
(X) two months

three months
 four months

The fee set in 37 CFR §1.17 for the extension of time is \$200.00.

- (X) Fee of \$200.00 is to be charged to our Deposit Account No. 500663. A duplicate of this paper is enclosed.
- (X) The Commissioner is authorized to charge any deficiency or credit any overpayment in the above fees to our Deposit Account No. 500663. A duplicate of this paper is enclosed if required for this purpose.
- (X) Applicant is a small entity entitled to pay reduced fees in this application.

Also enclosed is a:

Response Notice of Appeal Appeal Brief

(X) Other: Response to Notice of Abandonment dated December 10, 2001 and Notice to File Missing Parts of Application dated September 13, 2001

JOHN STANBURY LUSCOMBE

by Mark B. Eisen
Reg. No. 33088

Date: January 11, 2002

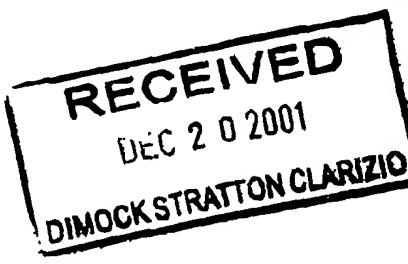


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646,733	John Stanbury Luscombe	645-10/ CJL

Cynthia J Ledgley
Dimock Stratton Clarizio
Suite 3202 Box 102
20 Queen St W
Toronto Ontario, M5H 3R3
CANADA



INTERNATIONAL APPLICATION NO.	
PCT/CA99/00233	
I.A. FILING DATE	PRIORITY DATE
03/19/1999	

CONFIRMATION NO. 6079
371
ABANDONMENT/TERMINATION
LETTER

"OC00000007157144"

Date Mailed: 12/10/2001

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

MAMIE PERSON

Telephone: (703) 305-3737

PART 3 - OFFICE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

ENTERED SEP 6 1 2001

due: 11/13/2001

RECEIVED

SEP 21 2001

DIMOCK STRATTON CLARIZIO
UNITED STATES Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646733	LUSCOMBE	J 646-10/ CJL
INTERNATIONAL APPLICATION NO.		
PCT/CA99/00233		
14. FILING DATE	PRIORITY DATE	
19 MAR 98	25 MAR 98	

DATE MAILED 13 SEP 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IS to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

U.S. Basic National Fee. Indication of Small Entity Status.
 Copy of the International application. Translation of the International application into English.
 Oath or Declaration of inventors(s). Translation of Article 19 amendments into English.
 Copy of Article 19 amendments. Other:
 Priority Document.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the International application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

U.S. Basic National Fee. Copy of the International application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and International filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$_____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917 Notice of Defective Translation
 PTO-875 PCT/DO/EO/920

MAMIE PERSON *MP*

Telephone: 703-305-3687

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5480
CONNECTION TEL	4169716638
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/01 08:35
USAGE T	03'26
PGS.	13
RESULT	OK